



September 27, 2016

Vernis Fletcher
181 Cottage Street
Rochester, NY 14608

Location: 181 Cottage Street
Zoning District: R-1 Low-Density Residential District
File Number: V-023-16-17
Vote: 5-1-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the enclosure of an open front porch on a single family dwelling, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED**.

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Since the enclosure has been completed, you must be issued a Building Permit immediately or enforcement will continue. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



Resolution and Findings of Fact:

1. Will the benefit to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: The subject property is a single family dwelling that is located where Cottage Street bends about 90 degrees. In testimony, the applicant explained that several times per winter, cars slide on the ice and run into her front yard, knocking the picket fence over. This past year, the applicant has tried to improve the appearance of the property by restoring the fence, planting flowers, and enclosing the front porch. In testimony, two neighbors noted the improved appearance of the property and supported the enclosed porch. The enclosed porch has large windows and still retains the character of a porch. This request does not noticeably alter the character of the house and will not produce an undesirable impact on the health, safety or welfare of the neighborhood.

2. Will the proposal produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? Yes No X

Finding: There is a mix of open and closed porches in the area. Noticeably, the property is adjacent to two other homes with similarly enclosed porches. As a result, the variance will not be a detriment to nearby properties or to the character of the neighborhood.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: In testimony, the applicant explained that the porch was enclosed to increase the safety of the home (i.e. by not allowing individuals on the street to see who might be watching). In this case, the porch enclosure improves the visual appearance of the façade – the windows are large and the siding has been installed to match the rest of the home. There is no alternative to the requested variance that would meet the applicant's need for safety while also improving the façade.

4. Is the requested variance substantial? Yes No X

Finding: The variance request is not substantial as there are other enclosed porches in the area, as evidenced by the testimony provided by neighbors at the hearing.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes No X

Finding: This variance request will not result in any noise, fumes, or other physical or environmental impact that would adversely impact the neighborhood.

6. Is the alleged difficulty self-created?

Yes X No _____

Finding: The alleged difficulty is self-created, but is not of sufficient concern to override the benefits of granting this request on condition.

Motion: To Approve

Record of Vote:

J. Best	Approve
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve
L. Jennings (alternate)	Approve
M. Morales	Absent
J. O'Donnell	Deny
P. O'Neill (alternate)	Approve
M. Tilton	Approve
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Vernis Fletcher
Johnny Gatson
Jean M. Anderson

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application and Statement of Difficulty
City Property Information Map
Porch Rendering
Floor Plan for First Floor
Photographs
Personal Appearance Notice, Affidavit of Notification and Speakers' List



September 27, 2016

Scott Spring
c/o Colvin Street Garage
174 Colvin Street
Rochester, NY 14611

Location: 174-176 Colvin Street, 25 and 43-57 Syke Street
Zoning District: M-1 Industrial District
File Number: V-024-16-17
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to waive the distance separation, landscaping, screening, and fencing requirements associated with the legalization of a vehicle repair operation and a contractor's business, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED ON CONDITION** that the barbed wire along the existing chain link fence must be removed.

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

****IMPORTANT****: Please contact Tom Kicior to complete the Site Plan Review Process and to obtain any permits. Mr. Kicior may be reached at Tom.Kicior@cityofrochester.gov or (585) 428-7762.

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

cc: Tom Kicior, Sr. City Planner, City of Rochester

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: Legalizing the uses on this property requires a number of variances for establishing vehicle repair and vehicle storage, including the following: a 50' distance separation from residential, perimeter landscaping, screening from residential areas, and no fence within 10' of street frontage. A variance is also required for a 6' tall fence that does not have a 10' landscape setback. All of these requirements speak to the need to mitigate the impact of vehicle-related and industrial uses when adjacent to residential areas.

In testimony, the applicant noted that there has been a truck repair operation at this location for 20 years. When he purchased the property last year, there was an existing, 6' tall chain link fence along the property line on Syke Street. The chain link fence provides greater security than a solid fence by ensuring the residents along Syke Street can see into the property (in other words, trespassers are exposed). Although the operations are not screened from view, the Zoning Board determined that increased security was preferable to screening the visual impact from this location. There were no written responses or testimony in opposition to these variance requests.

2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes No X

Finding: The south side of Skye Street is zoned M-I Industrial and consists of large parcels and buildings, which abut the railway tracks. The Syke Street frontage for these three properties is approximately 550 linear feet, most of which is fenced. Every industrial parcel along this street has a 6' tall, chain link fence along the property line.

The north side of Skye Street consists of vacant land and residential dwellings. The proposed uses on the three subject properties (vehicle repair operation and a contractor's business) have been operating without complaint for the past year. The variance requests will not alter the character of this street or be a detriment to nearby properties.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: In testimony, the applicant explained that he does not want to install a solid fence to screen the property because it will make the area less safe. Similarly, a 550' long landscape setback would be inconsistent with other properties on the street, invite litter, and be difficult to maintain. There are no feasible alternatives to the requested variances.

4. Is the requested variance substantial? Yes ___ No X

Finding: The site is located adjacent to the railway and other industrial uses and across the street from residential uses. The development of the site must balance the needs of these disparate users. Although screening the site and installing a 10' landscape setback would potentially buffer the residential area to a greater degree, it might also increase the safety risk for the parcels. In testimony, the applicant explained that trespassers enter the site from the railroad side and would be hidden behind solid screening. As a result, the Zoning Board determined that the requested variances are not substantial.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No X

Finding: The appearance of the property will be improved by the site plan finding and variance condition requiring the removal of the barbed wire along the top of the existing chain link fence. Otherwise, the physical conditions of the site will not change, and the environmental conditions of the neighborhood will not be impacted.

6. Is the alleged difficulty self-created? Yes X No ___

Finding: The alleged difficulties are self-created, however, this does not override the benefits of granting the requested variances.

Motion: To Approve on Condition

Record of Vote:

J. Best	Approve on Condition
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve on Condition
L. Jennings (alternate)	Approve on Condition
M. Morales	Absent
J. O'Donnell	Approve on Condition
P. O'Neill (alternate)	Approve on Condition
M. Tilton	Approve on Condition
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Scott Spring

Opposing Testimony:

None

Evidence:

Staff Report

Area Variance Application and Statement of Difficulty

City Property Information Map

Preliminary Site Plan Findings, dated July 15, 2016

Letter from Scott Spring to the Zoning Board, dated August 3, 2016

Site Plan

Floor Plans

Photographs

Personal Appearance Notice, Affidavit of Notification and Speakers' List



September 27, 2016

Frank Cornier
18209 Holland House Loop
Land O Lakes, FL 34638

Location: 645-647 Norton Street
Zoning District: R-1 Low-Density Residential District
File Number: V-025-16-17
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to change the use of the first floor from a print shop and accessory storage to an office, not meeting the transparency requirements, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED ON CONDITION** that the two windows with the sliders on the first floor facing Norton Street must be removed and replaced with a bay window (per the 1995 photo of the building, below), which aligns with the second story bay window.



Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained. Since the windows have already been installed, you must obtain a Building Permit immediately. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

cc: Daniel Torres, 171 Highview Dr., Rochester, NY 14609

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



Resolution and Findings of Fact:

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: The applicant reduced the transparency on the Norton Street frontage with the intention of converting the space to residential. Since the residential use was never established and the applicant would now like to use the space for offices, the transparency must be restored. The Zoning Board approved the request to reduce the transparency on condition that the style of window is changed. Rather than retaining the existing slider windows, the applicant must install a bay window, similar to the one on the second floor. The bay window is more in keeping with the architecture of the building and will be a visual improvement to the property and the neighborhood.

2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes No X

Finding: The variance request to reduce the amount of transparency will not change the character of the neighborhood. The variance condition regarding the style of window ensures that the aesthetics of the building are improved.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: There is no alternative to the proposed variance that would suit the use of the first floor space as an office.

4. Is the requested variance substantial? Yes No X

Finding: The building will have new windows and a substantially improved appearance. Overall, the request is not substantial.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes No X

Finding: The variance request will not result in any noise, fumes or other physical or environmental impact that would adversely affect the neighborhood.

6. Is the alleged difficulty self-created? Yes X No

Finding: The reduction in transparency is a self-created difficulty, however, this does not override the benefits of granting the request.

Motion: To Approve on Condition

Record of Vote:

J. Best	Approve on Condition
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve on Condition
L. Jennings (alternate)	Approve on Condition
M. Morales	Absent
J. O'Donnell	Approve on Condition
P. O'Neill (alternate)	Approve on Condition
M. Tilton	Approve on Condition
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Daniel Torres

Opposing Testimony:

None

Evidence:

Staff Report
Area Variance Application and Statement of Difficulty
City Property Information Map
Survey Map
Floor Plans
Photographs
Personal Appearance Notice, Affidavit of Notification and Speakers' List



September 27, 2016

Patti Billard
c/o Mass Factory, Inc.
150 Seneca Parkway
Rochester, NY 14613

Location: 294 Clay Avenue
Zoning District: R-1 Low-Density Residential District
File Number: V-026-16-17
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for a Use Variance to re-establish use of the property as a three-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED WITH LESSER RELIEF AND ON CONDITION:**

The property is approved as a two-family, as follows: first floor, one family; second floor, one family; no third floor occupancy. The kitchen and bathroom must be removed from the third floor. The fire escape to the third floor must be removed. The exterior staircase that has been enclosed facing the driveway must be removed. The entrance to the second floor apartment will be from the interior staircase only.

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained. Please contact Jill Symonds at Jill.Symonds@cityofrochester.gov or (585) 428-7364 or to complete that process.

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

cc: Alan J. Knauf, 1400 Crossroads Bldg, 2 State Street, Rochester, NY 14614

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



Resolution and Findings of Fact:

1. Can the applicant realize a reasonable return as shown by competent financial evidence? Yes X No ____

Finding: In testimony, the applicant explained that a three-family dwelling could achieve a 15% rate of return, and a single family could achieve a 3% rate of return. According to public testimony from a member of the Maplewood Neighborhood Association, properties on Clay Avenue are selling for between \$60,000 and \$80,000. The Zoning Board agreed that a 3% rate of return for a single family was unreasonable, especially in light of the amount of structural work that would be required for the de-conversion. However, based on the information presented, the property could realize a reasonable return if it was de-converted to a two-family dwelling and maintained as a rental property or sold.

In order to reduce the density of the property and ensure that the third floor would not be used as a separate unit, the Zoning Board imposed a number of conditions, enumerated above. The resulting two-family dwelling would have a 3-bedroom unit on the first floor and a 3-bedroom unit on the second floor with no third floor occupancy.

2. Is the alleged hardship relating to the property unique? Yes ____ No X

Finding: A vacant nonconforming structure is not unique. The subject property is approximately 2,100 square feet and restoring it to a two-family dwelling is more consistent with the intent of the R-1 low-density zoning district.

3. Is the alleged difficulty self-created? Yes X No ____

Finding: The property has been vacant since at least 2010. City records document this period of vacancy and include a specific violation for loss of rights as a three-family dwelling. In testimony, the applicant explained that she purchased the property in 2012 at a City auction for \$15,000, knowing that the property had lost its rights.

In June 2014, the applicant applied for a use variance to re-establish the property as a three-family, and the request was denied. In March 2015, the applicant submitted a request that the building has been structurally altered to such an extent that it cannot be restored to a built-as single family dwelling. City staff reviewed and denied this request. In the time that the property has been vacant, the owner has had to invest money in maintaining and repairing some of the damage to the property. The challenges related to maintaining a vacant property are a self-created difficulty, as the property could have been de-converted to a single family in 2012.

4. Will the requested use variance, if granted, alter the essential character of the neighborhood? Yes X No ___

Finding: The intent of the Zoning Code is to eliminate nonconforming uses over time. The R-1 District is intended for low density residential uses such as single-family, detached and attached houses. Residential conversions are prohibited in the R-1 District, and residential de-conversions are encouraged. The de-conversion of this property to a two-family dwelling is more consistent with the density of the predominately single family neighborhood.

The variance conditions will limit the density of the property by eliminating the use of the third floor. The dwelling will contain two, three-bedroom units for a total of six bedrooms on the property. The two-family dwelling will not overly burden the available on-site parking and is more in keeping with the surrounding properties. Although the subject property abuts an R-2 district, the majority of homes along this portion of Clay Avenue are single and two-family dwellings. Re-establishing the property as a three-family would have been out of character with the immediate area.

5. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes X No ___

Finding: The Zoning Board determined that approval with lesser relief would allow the applicant to re-establish a two-family rather than a three-family. The variance conditions will ensure the use of the third floor as habitable space is not possible. This variance approval is a feasible alternative to the original request.

Motion: To Approve with Lesser Relief and on Condition

Record of Vote:

J. Best	Approve with Lesser Relief and on Condition
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve with Lesser Relief and on Condition
L. Jennings (alternate)	Approve with Lesser Relief and on Condition
M. Morales	Absent
J. O'Donnell	Approve with Lesser Relief and on Condition
P. O'Neill (alternate)	Approve with Lesser Relief and on Condition
M. Tilton	Approve with Lesser Relief and on Condition
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Alan Knauf
Patti Billard

Opposing Testimony:

Marsha Enright
Kim Hare

Evidence:

Staff Report
City Property Information Map
Letter of Intent
Use Variance Application
Statement of Unnecessary Hardship
Statement of Income and Expense
Survey Map
Appraisal Consulting Report prepared by Bruckner, Tillet, Rossi, Cahill & Associates
Cost estimate and floor plans for single-family prepared by Atkinson & Associates
Architects
Letter from Mitchell Rowe to Edwin B. Atkinson, dated March 13, 2015
Cost estimate for three-family
Floor Plans
Rochester Property Database Information
Zoning Board Decisions for files V-082-15-16, V-071-15-16, V-059-15-16
Photographs
Deed
Email from Patti Billard to Jill Symonds, dated March 19, 2016
Documentation regarding Lambert Associates, Ltd., including photographs
Letter from Maplewood Neighborhood Association, dated September 13, 2016
Personal Appearance Notice, Affidavit of Notification and Speakers' List



September 27, 2016

Amina Ibrahim
200 Warner Street
Rochester, NY 14606

Location: 200 Warner Street
Zoning District: R-1 Low-Density Residential District
File Number: V-027-16-17
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to legalize the expanded parking area in the rear yard of a mixed-use building, thereby exceeding the lot coverage requirement, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED ON CONDITION:**

The tree stump in the middle of the paved area must be removed. The paving area must be reduced and grass restored to the perimeter of the yard, per the attached site plan. Parking may be provided for up to three vehicles. The paving must be done in one, uniform material.

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained. Since the paving has already occurred, you must obtain a Building Permit immediately or enforcement will continue. Please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



Resolution and Findings of Fact:

1. **Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community?** Yes X No

Finding: The subject property is a mixed use building that contains a retail store and a two-family unit. Permit history indicates that there used to be a garage on the property that was likely located in the rear yard and accessed from the driveway on Otis Street. In testimony, the applicant explained that many of the retail customers arrive by walking or by car. Those who drive, park on the street where possible. The parking area that was created in the rear yard is for use by the residential tenants. According to the applicant, there have never been more than three cars that park on the property.

The Zoning Board recognized the need for parking at this location and approved the request on condition that some of the perimeter be restored to grass, per the attached site plan. The Board also imposed conditions to improve the appearance of the site by requiring the removal of the stump that protrudes through the pavement and that the paving be done in one, uniform material (rather than the combination of the concrete and asphalt that exists currently).

2. **Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?** Yes No X

Finding: The subject property is located next to an abandoned and dilapidated house, residential vacant land, and other residential and commercial properties. Parking up to three vehicles on site will not change the character of the neighborhood. The variance conditions will improve the appearance of the property and be a benefit to nearby properties.

3. **Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?** Yes No X

Finding: There is no alternative that would allow the applicant to park up to three vehicles on the subject property without exceeding the lot coverage limitation.

4. **Is the requested variance substantial?** Yes No X

Finding: The variance approval on condition will reduce the lot coverage and improve the appearance of the property. As a result, the request is not substantial.

5. **Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?** Yes No X

Finding: The variance request will have a positive impact on the physical conditions of the neighborhood by improving the visual impact of the property and installing more green space along the Otis Street frontage.

6. Is the alleged difficulty self-created?

Yes X No

Finding: The variance request is a self-created difficulty, however, this does not override the benefits of granting the request.

Motion: To Approve on Condition

Record of Vote:

J. Best	Approve on Condition
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve on Condition
L. Jennings (alternate)	Approve on Condition
M. Morales	Absent
J. O'Donnell	Approve on Condition
P. O'Neill (alternate)	Approve on Condition
M. Tilton	Approve on Condition
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Assad Ibrahim

Opposing Testimony:

None

Evidence:

Staff Report

Area Variance Application and Statement of Difficulty

City Property Information Map

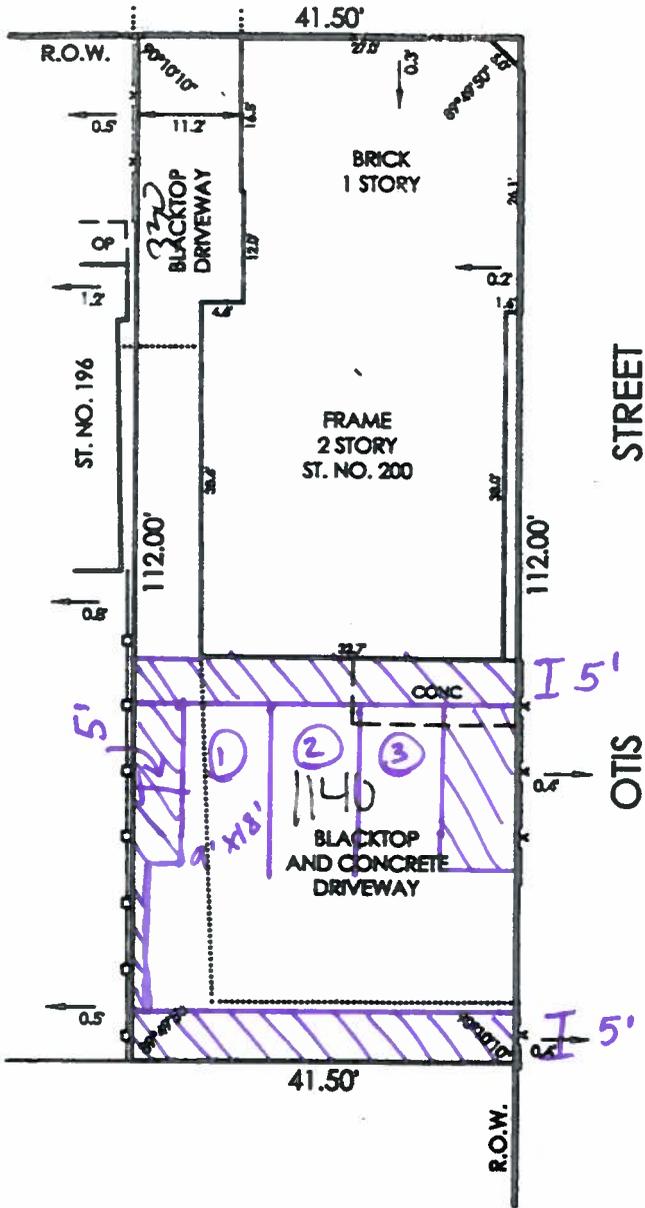
Survey Map

Photographs

Personal Appearance Notice, Affidavit of Notification and Speakers' List

V-027-16-17

WARNER STREET



REFERENCES:

LIBER 7 OF MAPS, PAGE 10
LIBER 8715 OF DEEDS, PAGE 656

I, WARREN R. McGRAIL, CERTIFY THAT
THIS MAP WAS MADE FROM NOTES OF
AN INSTRUMENT SURVEY COMPLETED
JULY 19, 2016.

Warren R. McGrail
BY: WARREN R. McGRAIL, L.S. 42513

The map is subject to any assessments or encumbrances that an updated abstract of title may show. The word "certify" or "certification" as shown and used herein means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied. © Copyright. Updated abstract of title not provided.

This survey is certified to those named above during the period that the currently issued title insurance policy is in effect only. Certifications are not transferable to additional institutions or subsequent owners. Copies of this survey map not bearing the land surveyors' initial seal or embossed seal are not considered to be a true and valid copy. Unauthorized alteration or addition to this survey map is in violation of section 7209 of the New York State Education Law. The use of this map in conjunction with an affidavit of no change relieves the surveyor of all responsibility.

MAP OF A SURVEY
OF PART OF LOT 62 OF THE OTIS AND WARNER SUBDIVISION
CITY OF ROCHESTER
MONROE COUNTY, NEW YORK

DATE
JULY 20, 2016

SCALE
1 INCH = 20 FEET

WARREN R. McGRAIL
LAND SURVEYOR
1945 EAST RIDGE ROAD, SUITE 27
ROCHESTER, NEW YORK 14622
(585) 289-9120

FILE
28099-16-1





City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

September 29, 2016

Dominic Cimino
483 Mt. Read Blvd.
Rochester, NY 14606

Location: 121-127 Pool Street
Zoning District: M-1 Industrial District
File Number: V-028-16-17
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for an Area Variance to construct a 50' x 30' warehouse/storage building, not meeting the front or rear yard setback requirement; and to install a 6' tall chain link fence, not meeting the landscape setback requirement, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED ON CONDITION** that some green space is restored to the property (per the attached site plan).

Please Note: Pursuant to Section 120-195B(9) of the City Code, a Variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit and/or Certificate of Occupancy is obtained and maintained. Please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov to complete that process.

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



Resolution and Findings of Fact:

1. Will the benefit to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

Finding: In testimony, the applicant explained that he would prefer to locate the storage/warehouse towards the rear of the property for greater security. The property that backs up to 121-127 Pool Street is full of old tires, and the applicant does not want to create a space behind his storage/warehouse that would not be visible from the street. In addition, the Zoning Board determined that this location will ensure that the adjacent dwellings are not located immediately next to this industrial use.

The proposed 6' tall chain link fence will be installed right on the front lot line, without landscaping. In light of the Zoning Board approval on condition that some green space is restored to the site, the variance request is mitigated.

Overall, the project knits the industrial and residential properties together in a sensitive manner.

2. Will the proposal produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? Yes No X

Finding: The subject property consists of 9,600 sq. ft. of vacant land located adjacent to an R-1 District. The property is sandwiched between two residential dwellings and across the street from industrial uses. The proposed warehouse/storage structure is relatively small and unobtrusive, which will fit well into this neighborhood context. The variance requests will not produce an undesirable change or result in a detriment to nearby properties.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes No X

Finding: The applicant considered moving the warehouse/storage structure towards the front of the property, to meet the setback requirements. However, this would result in a 50' wide storage garage right between two residential dwellings. In addition, one of the neighboring properties has an existing chain link fence, so the continued use of the same material will be consistent across the front of the properties. There is no feasible alternative to the proposed variance that is suitable for this location.

4. Is the requested variance substantial? Yes No X

Finding: The variance was approved on condition that some green space is restored to the property. This condition will improve the appearance of the site and as a result, mitigates the variance request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes ___ No X

Finding: This variance request will not result in any noise, fumes, or other physical or environmental impact that would adversely impact the neighborhood. The condition to restore some of the area to grass will improve the aesthetics and the environmental impact of the site.

6. Is the alleged difficulty self-created? Yes X No ___

Finding: The alleged difficulty is self-created, but is not of sufficient concern to override the benefits of granting this request on condition.

Motion: To Approve on Condition

Record of Vote:

J. Best	Approve on Condition
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve on Condition
L. Jennings (alternate)	Approve on Condition
M. Morales	Absent
J. O'Donnell	Approve on Condition
P. O'Neill (alternate)	Approve on Condition
M. Tilton	Approve on Condition
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Dominic Cimino

Opposing Testimony:

None

Evidence:

Staff Report

Area Variance Application and Statement of Difficulty

City Property Information Map

Letter from Dominic Cimino to Jill Symonds, dated August 25, 2016

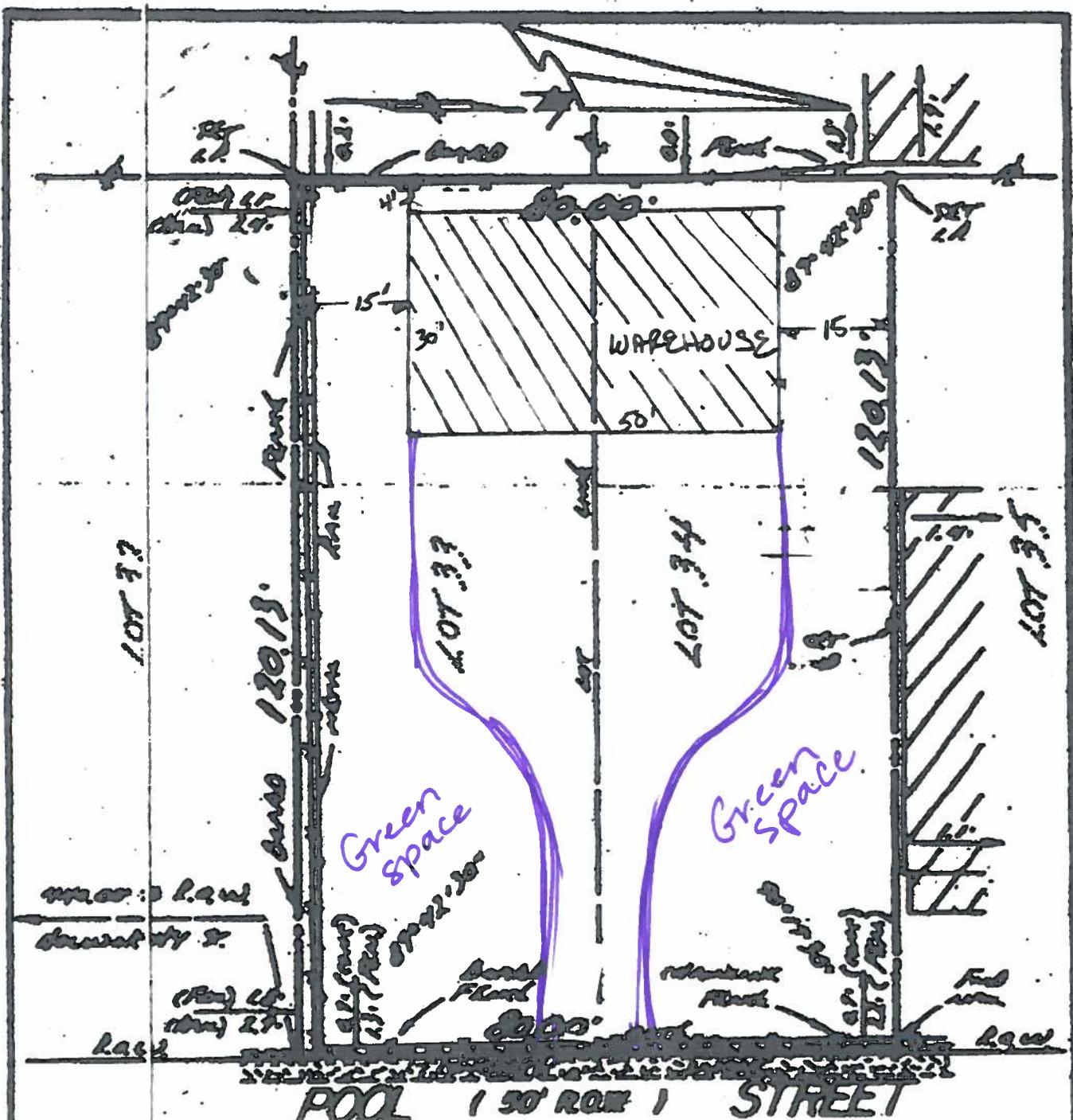
Survey Map

Elevations

Information about the siding color

Photographs

Personal Appearance Notice, Affidavit of Notification and Speakers' List



REFERENCE:
 1) Abstract of title not attached
 2) vol 3 of map, page 123 - Pine Falls Subdivision
 3) ORDER 8992 of 1911, Map 54
 4) City of Rochester, Ordinance 12, 1903

CERTIFICATION: *Dorcas Curcio*
 I hereby certify that



that this map was made May 18 2009 from notes of an instrument
 recorded with the AG and from references listed herein.



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

September 27, 2016

Saba Gebreamlak
Russell Ulysees
45 Brookhaven Terrace
Rochester, NY 14621

Location: 14 Vetter Street
Zoning District: R-1 Low-Density Residential District
File Number: V-029-16-17
Vote: 6-0-0

NOTICE OF DECISION

In the matter of the request for a Use Variance to re-establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application was **APPROVED**.

Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained. Please contact Jill Symonds at Jill.Symonds@cityofrochester.gov or 585-428-7364 or to complete that process

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

2016 SEP 28 PM 2:17
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
RECEIVED
EEO/ADA Employer



Resolution and Findings of Fact:

1. Can the applicant realize a reasonable return as shown by competent financial evidence? Yes ___ No X

Finding: The subject property was purchased at City auction for \$18,000. A comparative market analysis from Nothnagle Realtors indicates that the market value of this 1,582 sq. ft. property in habitable condition is \$34,600. The configuration of this property includes first floor front, one-family; first floor rear, one-family; second floor, attic/storage.

According to the statement of income and expense, approximately \$54,000 is required to restore the property to habitable condition, leaving a rate of return of about 1% as a single family dwelling. The Zoning Board determined that the property cannot realize a reasonable return as a single family.

2. Is the alleged hardship relating to the property unique? Yes X No ___

Finding: The investment required to restore this property to habitable condition is significant and unique. Although the market value of the property is only \$34,600, the properties on this street appear to be well maintained and in good condition. The applicant will want to bring the property back to this standard.

3. Is the alleged difficulty self-created? Yes ___ No X

Finding: The property has been vacant since December 12, 2014. The applicant purchased the property from City auction in November, 2015 as a two-family dwelling. Had the applicant applied for a Certificate of Occupancy immediately, the property might not have lost its rights. Regardless, the impossibility of realizing a reasonable return is not a self-created difficulty.

4. Will the requested use variance, if granted, alter the essential character of the neighborhood? Yes ___ No X

Finding: Vetter Street is a short block that consists of predominantly single family homes with a few two-families. Reactivating and restoring the subject property to a two-family dwelling will not be out of character with the area. In addition, the units are relatively small, which means there will not be a large number of people living here. The layout of the property is as follows: first floor front, one-family; first floor rear, one-family; second floor, attic/storage (to remain vacant).

5. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes ___ No X

Finding: The applicant considered de-converting the property to a single family, however, it is not financially feasible.

Motion: To Approve

Record of Vote:

J. Best	Approve
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve
L. Jennings (alternate)	Approve
M. Morales	Absent
J. O'Donnell	Deny
P. O'Neill (alternate)	Approve
M. Tilton	Approve
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Saba Gebreamlak

Opposing Testimony:

None

Evidence:

Staff Report
City Property Information Map
Use Variance Application
Statement of Income and Expense
Statement of Financial Hardship
List of home improvements
Floor plans
Photographs
Comparative Market Analysis form Steven Schober
Personal Appearance Notice, Affidavit of Notification and Speakers' List



September 27, 2016

Loretta Spezio
Regional Gravel Products, Inc.
8222 Route 5 & 20
P.O. Box 65
West Bloomfield, NY 14585

Location: 111 Industrial Street
Zoning District: CCD-C Center City – Cascade-Canal District
File Number: V-046-15-16
Vote: 3-3-0

NOTICE OF DECISION

In the matter of the request for a Use Variance – Part 2 to establish use of the property for truck and equipment storage to serve the existing paving and trucking company located at 100-106 Industrial Street (outdoor uses are prohibited in this District), please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said application failed to reach four concurring votes, and is therefore deemed a **DENIAL** pursuant to Zoning Code Section 120-186(D)(1) requiring no further findings of fact.

As a result of this decision, you have the following options available to you:

- 1) A new use variance application may be submitted. In this case, it is strongly recommended that you revisit the Preliminary Site Plan Findings and address some of the concerns raised therein.
- 2) Further to Section 120-195B(1), an appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the variance may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board or commission of the City, in accordance with Article 78 of the New York Civil Practice Law and Rules.

If it would be helpful to sit down with City staff to discuss this project further, we would be happy to do so. Please contact Jill Symonds at 585-428-7364 or at Jill.Symonds@cityofrochester.gov with any questions or concerns.

Zina Lagonegro, AICP, EIT
Secretary to the Zoning Board of Appeals

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2016 SEP 28 PM 2:17



cc: Scott A. Sydelnik, Davidson Fink, 28 E. Main St., Suite 700, Rochester, NY 14614
Eric Schaaf, Marathon Engineering, 39 Cascade Dr., Rochester NY 14614
Jason Haremza, Sr. City Planner, City of Rochester, NY

Motion: To Approve

Record of Vote:

J. Best	Approve
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Deny
L. Jennings (alternate)	Approve
M. Morales	Absent
J. O'Donnell	Deny
P. O'Neill (alternate)	Approve
M. Tilton	Deny
E. Van Dusen	Absent

This decision was based on the following testimony and evidence:

Supporting Testimony:

Eric Schaaf
Michael Tandoi
Gary Cutaia
Scott Sydelnik
Ritamarie Dreimiller

Opposing Testimony:

None

Evidence:

Staff Report
Use Variance Application
City Property Information Map
Statement of Unnecessary Hardship
Statement of Income and Expense
Preliminary Site Plan Findings, dated September 1, 2016
Email from Tandoi Asphalt & Sealcoating, dated 01/11/16
Letter from Michael Marafioti, dated 01/04/16
Two letters from Regional Gravel Products, dated 01/13/16
Quote from Globalsoft Environmental, Inc. dated 10/08/15
Subdivision Map
Site Improvements Plan
Simplified Site Improvement Plan submitted at hearing
Revised Site Plan, dated 09/13/16

Evidence Cont'd:

Memo from Jason Haremza to Zoning Board of Appeals, dated 09/14/16

Aerial Photo

Site Plan Map

Google Earth Photos

Decision letter dated March 3, 2016, for V-046-15-16 Part 1

Email and photos from Jeffery West to Suzanne McSain, dated 09/14/16

Letter from Cascade Historic District, dated 02/16/16

Personal Appearance Notice, Affidavit of Notification and Speakers' List



September 27, 2016

David Blauth
188 Edgemont Road
Rochester, NY 14607

Project Address: 320 Castleman Street
File Number: V-042-15-16
Vote: 1-5-0

REQUEST FOR REHEARING

In the matter of the request for a rehearing of an Area Variance to legalize the driveway expansion of a two-family dwelling, thereby resulting in front yard parking, please take notice that at the Zoning Board of Appeals meeting held on September 15, 2016, said request was **DENIED**.

Please be advised that you must obtain a permit to remove the paving next to the garage. This permit should be obtained in the immediate future, or enforcement will continue, which may result in fines. If you have any questions or would like to obtain a permit, please contact Jill Symonds at (585) 428-7364 or Jill.Symonds@cityofrochester.gov.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

cc: Andrew Weidman, 674 Ridge Road, Webster, NY 14580

2016 SEP 28 PM 2:18
RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
EEO/ADA Employer

Findings of Fact:

Pursuant to the standards set forth in Section 120-188.O(1) of the Zoning Code, at least one of the following standards shall be met for the granting of a rehearing:

- 1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.**

Not applicable.

- 2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.**

The applicant noted that there are other properties in the immediate neighborhood that have a similar driveways. As a result, the driveway on the subject property would not materially affect the character of the neighborhood.

When the Zoning Board considered the variance request, they were aware that other properties in the neighborhood have widened their driveways. However, this does not constitute new or additional information.

- 3. A new application is proposed that is materially different from the prior application.**

The applicant proposed installing planters on the portion of the driveway that constitutes front yard parking. The applicant paved the driveway to resolve drainage issues and as a result, would like to retain the paved area for this purpose.

When the Zoning Board considered the variance, the applicant explained that there were challenges on the property relating to drainage. At that time, the Board had the option of approving the request on condition that planters were installed. However, they determined that the preferable option was to deny the request and require the removal of the excess pavement.

- 4. The final decision on the variance was based on a material mistake of fact or mistake of law.**

According to the applicant, the variance request was not the result of a self-created difficulty. When the applicant purchased the property in 1990, the additional parking next to the garage was already in place.

When the Zoning Board considered the variance, they could not disregard the pavement because it was originally installed by a previous owner. When a property is purchased, the owner inherits any issues or violations that go along with the property.

Motion: To Approve (Request failed to receive unanimous approval and was, therefore, denied.)

Record of Vote:

J. Best	Approve
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Deny
L. Jennings (alternate)	Deny
M. Morales	Absent
J. O'Donnell	Deny
P. O'Neill (alternate)	Deny
M. Tilton	Deny
E. Van Dusen	Absent

Evidence:

Application for Request for Rehearing
Letter from Andrew J. Weidman to Jill Symonds, dated 08/09/16
Affidavit from David P. Blauth, dated 08/09/16
Survey Map
Site Plan
City Staff Package, dated 01/21/16
City Decision Letter, dated 02/04/16



September 27, 2016

Mr. Michael A. Perri
Perri Franchising Inc.
1881 East Avenue
Rochester, NY 14610

Project Address: 1881 East Avenue
File Number: V-077-15-16
Vote: 6-0-0

REQUEST FOR REHEARING

In the matter of the request for a rehearing of an Area Variance to install four internally illuminated signs that are 7.5' x 5.5' each for "Perri's Pizzeria at the Brighton Pub", please take notice that at the Board meeting held on September 15, 2016, said request was **APPROVED**.

The Rehearing has been scheduled for October 20, 2016. If you have any questions or would like to discuss this further, please contact Jill Symonds at 585-428-7364 or Jill.Symonds@cityofrochester.gov.

Zina Lagonegro, EIT, AICP
Secretary to the Zoning Board of Appeals

2016 SEP 28 PM 2:17
RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE



Findings of Fact:

Pursuant to the standards set forth in Section 120-188.O(1) of the Zoning Code, at least one of the following standards shall be met for the granting of a rehearing:

- 1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.**

Not applicable.

- 2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.**

Not applicable.

- 3. A new application is proposed that is materially different from the prior application.**

The applicant submitted a new sign proposal for four attached signs that are 60" x 32" for "Perri's Pizzeria". These signs will not block the third floor dormer windows and are smaller than the original proposal. The Zoning Board determined that this proposal is materially different from the prior application.

- 4. The final decision on the variance was based on a material mistake of fact or mistake of law.**

Not applicable.

Motion: To Approve

Record of Vote:

J. Best	Approve
L. Boose	Absent
D. Carr	Absent
J. DeMott (alternate)	Approve
L. Jennings (alternate)	Approve
M. Morales	Absent
J. O'Donnell	Approve
P. O'Neill (alternate)	Approve
M. Tilton	Approve
E. Van Dusen	Absent

1881 East Avenue
V-077-15-16
Page 3

Evidence:

Application for Request for Rehearing
Sign Renderings
City Staff Package, dated 06/16/16
City Decision Letter, dated 06/30/16